

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 7-14, 16-21, and 23 are pending in this case. Claims 1, 2, 5, 7-11, 14, 16, and 21 are amended by the present amendment to correct informalities and with support in the originally filed disclosure at least at Figures 2, 3, and 5. Thus, no new matter is added.

In the outstanding Office Action, Claim 8 was objected to; Claims 1, 4, 7, 8, 9, 13, 16, 20, and 23 were rejected under 35 U.S.C. § 112, second paragraph; and Claims 1-5, 7-14, 16-21, and 23 were rejected under 35 U.S.C. § 102(e) as anticipated by Hashimoto (U.S. Patent No. 6,956,605).

At the outset, Applicant and Applicant's representative thank Primary Examiner Ho and Examiner Gebriel for the courtesy of an interview with Applicant's representative on April 15, 2009. The discussion during that interview is substantially reflected in the amendments and remarks herein.

In light of the amendments to Claims 1, 2, 5, 7-11, 14, 16, and 21, Applicant respectfully requests that the rejection of Claims 1, 4, 7, 8, 9, 13, 16, 20, and 23 under 35 U.S.C. § 112, second paragraph, be withdrawn. If any additional informalities or antecedent basis issues are noted, Applicant respectfully requests that the Examiner contact Applicant's representative to address them.

With regard to the rejection under 35 U.S.C. § 102(e), independent Claims 1 and 8 are amended to clarify that "the first photoelectric conversion element photodiodes arranged in the first pixel lines are dislocated from the respective closest ones of the second photoelectric conversion element photodiodes arranged in the second pixel lines by Ph0/2 and Pv0/2 in the horizontal and vertical directions, respectively, to form a checker wise arrangement as a whole."

As discussed and agreed upon during the interview, Hashimoto does not teach or suggest at least the above-quoted features of Claims 1 and 8. Instead, Hashimoto only depicts, at Fig. 5, for example, and describes, at column 4, lines 54-67, that photoelectric conversion portions line up at an equal interval *a*. An equal interval does not teach or suggest the claimed arrangement quoted above.

Because Hashimoto does not teach or suggest at least the above-quoted features of Claims 1 and 8, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 1, Claims 2-5, 7, 17-21, and 23, which depend therefrom, Claim 8, and Claims 9-14 and 16, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Usha Munukutla-Parker
Registration No. 61,939